

BEFORE THE TENNESSEE BOARD OF NURSING

In The Matter of:

RaDonda Vaught

R.N. License No. 205702

Respondent

)
)
)
)
)

Docket #: 17.19-191087A

**NOTICE OF HEARING AND CHARGES AND
MEMORANDUM FOR ASSESSMENT OF CIVIL PENALTIES**

The Tennessee Department of Health (State) would show as follows:

I. Jurisdiction and Authority

1. Pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-7-101, *et seq.* (Code), the Tennessee Board of Nursing (Board) regulates and supervises the practice of nursing in the State of Tennessee in part by promulgating administrative rules, TENN. COMP. R. & REGS. 1000-01-.01, *et seq.* (Rules), and entering administrative orders (Order).
2. If a licensee violates the Code, Rules, or an Order, the Board has the power and the duty to:
 - a) suspend, probate, or revoke a license, TENN. CODE ANN. §§ 63-7-115 and 120;
 - b) assess a civil penalty against the licensee of up to \$1,000.00 for each day of each violation, TENN. CODE ANN. § 63-1-134(a) and (b) and TENN. COMP. R. & REGS. 1000-01-.04;
 - c) assess the costs against the licensee directly related to the prosecution of this case, including the cost of the State's attorney, TENN. CODE ANN. § 63-1-144; § 63-7-115(d); and TENN. COMP. R. & REGS. 1000-01-.04(11); or
 - d) otherwise discipline a licensee.

RECEIVED
2019 SEP 27 PM 3:21
SECRETARY OF STATE

II. Allegations of Fact

Respondent engaged in the following acts and conduct:

3. Respondent has been at all times pertinent hereto licensed by the Board as a registered nurse in the State of Tennessee, having been granted license number 205702 on February 13, 2015 which currently has an expiration date of January 31, 2020. Respondent's registered nurse license bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
4. On or about December 26, 2017, Respondent was employed as a "help-all" nurse at Vanderbilt University Medical Center.
5. Patient #1 was admitted to the hospital on December 24, 2017 with a diagnosis of a brain bleed.
6. Patient #1's physician ordered that Patient #1 undergo a Positive Emission Tomography (PET) scan. At the time of her arrival in radiology, Patient #1 was awake, alert, and oriented.
7. Patient #1 expressed anxiety about the PET scan, as she was claustrophobic, and asked the radiology tech on duty for medication to ease her discomfort.
8. The radiology tech then went to the primary nurse assigned to Patient #1. The primary nurse for Patient #1 then obtained a verbal order from Patient #1's physician to receive Versed one (1) milligrams intravenously for PET scan. The primary nurse assigned to Patient #1 then called Respondent and asked her to administer Versed to Patient #1.
9. Patient #1's physician order for Versed was entered on December 26, 2017 at 2:47 P.M. The pharmacy verified the order for Versed at 2:49 P.M.
10. Respondent failed to verify the physician order with either the pharmacy or the physician. Instead, at 2:59 P.M., Respondent typed in the letters "VE" in the override function of the

automatic dispensing cabinet. A medication with the letters “VE” popped up and Respondent removed the medication out of the cabinet.

11. Respondent actually removed Vecuronium ten (10) milligrams from the dispensing cabinet located in the Neuro Intensive Care Unit (ICU) using the override feature instead of removing the Versed which was ordered for Patient #1.

12. Respondent looked at the back of the medication for directions on how to reconstitute the medication. Respondent did not check the name of the medication.

13. After Respondent removed the medication, Respondent reconstituted and administered the Vecuronium at Patient #1’s bedside in Radiology. Respondent did not stay with Patient #1 after administering the medication.

14. Patient #1 was found unresponsive approximately thirty (30) minutes later and required cardiopulmonary resuscitation (CPR) and mechanical ventilation.

15. Patient #1 was placed on life support and expired within twelve (12) hours following the administration of Vecuronium.

16. Respondent failed to follow all of the five rights of medication administration; right patient, right medication, right dose, right route, and right time to adhere to the prescribed frequency and time of medication to Patient #1.

17. Respondent failed to monitor Patient #1.

18. Respondent failed to document in Patient #1’s medical record that she had administered Vecuronium to Patient #1.

19. On or about February 4, 2019, the Davidson County Grand Jury indicted Respondent for reckless homicide, in violation of Tenn. Code Ann. § 39-13-215, a Class D felony. Respondent was also indicted for knowing physical abuse or gross neglect of an impaired adult, in violation of

Tenn. Code Ann. § 71-6-119, a Class C felony.

III. Alleged Violations

Respondent's acts and conduct establish the following Alleged Violations and constitute grounds for discipline as follows:

20. Respondent's acts and conduct enumerated in paragraphs four (4) through eighteen (18) constitute violations of TENN. CODE ANN. § 63-7-115(a)(1):
 - (F) Is guilty of unprofessional conduct.
21. Respondent's acts and conduct enumerated in paragraphs four (4) through eighteen (18) constitute violations of TENN. COMP. R. & REGS. 1000-01-.13(1):
 - (b) Failure to maintain a record for each patient which accurately reflects the nursing problems and interventions for the patient and/or failure to maintain a record for each patient which accurately reflects the name and title of the nurse providing care; and
 - (c) Abandoning or neglecting a patient requiring nursing care.
22. Respondent's acts, conduct, and violations as set out above constitute grounds for discipline, including suspension, probation, revocation, assessment of a civil penalty, assessment of costs, and other discipline as may be imposed by the Board.

IV. Assessment of Civil Penalties and Costs

23. The State proposes the assessment of three (3) Type A Civil Penalties in the amount of one thousand dollars (\$1,000.00) each, for a total of three thousand dollars (\$3,000.00), in accordance with TENN. COMP. R. & REGS. 1000-01-.04(6), based upon consideration of the following factors:
 - a. Whether the amount imposed will be a substantial economic deterrent to the violator;
 - b. The circumstances leading to the violation;

- c. The severity of the violation and the risk of harm to the public;
- d. The economic benefits gained by the violator as a result of the noncompliance; and
- e. The interest of the public.

24. Upon good cause shown, the Board may assess a type and amount of civil penalty which was not recommended by the State, either more or less than the State's assessment. TENN. COMP. R. & REGS. 1000-01-.04.

25. In addition, the State proposes that Respondent pay the costs of this action pursuant to TENN. CODE ANN. §§ 63-7-115(d) and TENN. COMP. R. & REGS. 1000-01-.04(11). These costs will be established by an Assessment of Costs prepared by the State. Costs may include all attorney and paralegal time; all costs incurred by the Office of Investigations in connection with the prosecution of the matter; and all costs incurred by administrative law judges, court reporters and witnesses including, but not limited to, travel and lodging during the prosecution of this matter. The State proposes that costs assessed to Respondent in this matter do not exceed sixty thousand dollars (\$60,000.00).

V. Notice and Petition for Relief

WHEREFORE, premises considered, STATE hereby:

26. Issues to Respondent a copy of this Notice of Hearing and Charges and Memorandum for Assessment of Civil Penalties and files the original with the Office of the Secretary of State, Administrative Procedures Division, 312 Eighth Avenue North, 8th Floor, William R. Snodgrass Tennessee Tower, Nashville, Tennessee 37243.

27. Gives Notice that if Respondent does not enter an appearance and defend, a default judgment may be entered.

28. Gives Notice that this matter will be presented for full hearing as a contested case to a panel of the board on **November 20, 2019, beginning at 8:30 a.m. C.S.T.**, or as soon thereafter as the Board may take up this matter, at First Floor, MetroCenter, 665 Mainstream Drive, Nashville, Tennessee 37228, or at a location yet to be determined.
29. Petitions that, at the hearing of this cause, the Board determine that Respondent is guilty of violating the provisions of TENN. CODE ANN. § 63-7-101 *et seq.* and the TENN. COMP. R. & REGS.; determine whether the proposed civil penalties shall be affirmed or whether a different type and amount of civil penalty is justified; and determine whether Respondent's license to practice as a nurse should be suspended, revoked or otherwise disciplined.
30. Gives Notice that the hearing will be conducted in accordance with the Uniform Administrative Procedures Act, TENN. CODE ANN. § 4-5-101, *et seq.* Respondent has the right to be represented by counsel, to subpoena witnesses to testify at the hearing, and to present evidence and testimony in defense of the charges.
31. Gives Notice that Respondent may be eligible for free or low cost counsel from a legal services organization.

Respectfully submitted this 27th day of September, 2019.



Caroline R. Tippens (BPR #30075)
Senior Associate General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, by and through her Counsel, Peter J. Strianse, Tune Entrekin White, Attorneys at Law, 315 Deaderick Street, Suite 1700, Nashville, TN 37238, by United States mail, certified, number **7017 0190 0001 0037 3043**, return receipt requested, and by United States mail, First Class, with sufficient postage thereon to reach its destination.

This 27th day of September, 2019.


Caroline R. Tippens
Senior Associate General Counsel

LITIGATION TRANSMITTAL FORM
TENNESSEE DEPARTMENT OF HEALTH

NAME OF CASE

TENNESSEE DEPARTMENT OF HEALTH
BOARD OF NURSING

17.19-191087A
343.10-17
(AGENCY CODE #)
20
(AGENCY CASE #)

V.

RaDonda Vaught, R.N.

AGENCY: Tennessee Department of Health, Board of Nursing

HEARING DATE AND TIME: November 20, 2019 @ 8:30 a.m. CT

HEARING LOCATION: MetroCenter, First Floor, 665 Mainstream Dr., Nashville, TN 37228

MANNER OF CONDUCTING HEARING: _____ AGENCY HEAD _____ ALJ

CASE DESCRIPTION: Disciplinary action for alleged violation of statutes and rules of the Tennessee Board of Nursing

EXPEDITED OR SPECIAL ARRANGEMENTS: _____ ALJ ASSIGNED: _____

HEARING TIME ESTIMATE: _____

COURT REPORTER: _____

NAME, ADDRESSES AND PHONE NUMBERS OF PARTIES AND ATTORNEY
(including agency attorney);

Attorney for the Respondent
Peter J. Strianse
Tune Entrekin White
Attorneys at Law
315 Deaderick Street, Suite 1700
Nashville, TN 37238
(615) 244-2770

Attorney for the State
Caroline R. Tippens, Esq.
Senior Associate General Counsel
Tennessee Department of Health
Office of General Counsel
665 Main Stream Drive, 2nd Floor
(615) 741-3907

OTHER INFORMATION: _____

Contested Case Transmittal Form to be filed with the initial case record no later than three (3) business days after: the Notice of Hearing is mailed; the case has been scheduled with the APD, if no hearing date has been set (unless waived by the Division).